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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/726,014 | 11/29/2000 | David William Cole | AUS9-2000-0489-US1 | 9664 |
| 35525 | 7590 | 08/26/2004 | | EXAMINER |
| IBM CORP (YA) | | | | NAHAR, QAMRUN |
| C/O YEE & ASSOCIATES PC | | | | |
| P.O. BOX 802333 | | | ART UNIT | PAPER NUMBER |
| DALLAS, TX 75380 | | | 2124 | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

P6

| | | |
|------------------------------|--|---------------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/726,014 Examiner Qamrun Nahar | COLE ET AL. Art Unit 2124 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 5/3/04.
2. Claims 1, 7, and 13 have been amended.
3. Claims 1-18 are pending.
4. The objection to claims 7 and 13 are pending.
5. Claims 1-18 stand finally rejected under 35 U.S.C. 102(e) as being anticipated by Goiffon (U.S. 6,226,792).

Response to Amendment***Claim Objections***

6. Claim 7 is objected to because of the following informalities: “and;” on line 17 of the claim should be “and”. Appropriate correction is required.
7. Claim 13 is objected to because of the following informalities: “said mapping” on line 12 of the claim should be “using said mapping”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Goiffon (U.S. 6,226,792).

Per Claim 1 (Amended):

The Goiffon patent discloses:

- a method for integrating information technology components into a single end-to-end application (“The forgoing objects and other objects and advantages are provided in the current invention, which is an object management system for use in managing reusable code and data components. Management is performed by mapping “concepts” stored within an “application domain” to software constructs that exist within a “technology domain”. in column 4, lines 18-23)

- decomposing a business process into a set of enabling applications (“locator elements” in column 4, lines 55-67 to column 5, lines 1-14)

- documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process (“Relationships may further be defined between various locator elements in the hierarchical concept tree structure and asset elements in a manner that is similar to the way in which relationships are formed between locator elements and other locator elements, and asset elements and other asset elements. These relationships may be

created to connect various ones of the concepts described by locator elements to the asset elements that describe the associated code and data components. ... a user may to efficiently identify all code and data objects existing within the system that are associated with a particular concept or sub-concept.” in column 5, lines 25-41, “asset elements”)

- deploying required monitors for the business process enabling technology

(“Element Locator 124” in column 9, lines 31-41)

- developing cross-platform contextual correlation logic and rules (“Element Discovery Function” in column 9, lines 61-67 to column 10, lines 1-17)

- mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process; quantifying, using said mapping, business losses due to particular technical failures; and developing an end-to-end business process event management platform (“Mapping from the Application to Technology Domain is performing using the predefined relationship type “applies to” 634, as described above, which is shown in FIG. 6 existing between element type “Concept” 620 and “Asset Element” 606. ... Each of these Asset Elements may be said to map into the Technology Domain as software constructs of a particular type.” in column 26, lines 4-8; column 27, lines 6-19; and column 30, lines 48-65; It is inherent that if the software constructs are malfunctioning, then the corresponding Asset Elements, which can be viewed in the

Element Viewers 144, would malfunction, which would lead to business losses due to particular technical failures.).

Per Claim 2:

The Goiffon patent discloses:

- wherein the step of decomposing the business process further comprises developing an application model which describes the interactions, interdependencies and interfaces of all the business process enabling applications (column 5, lines 42-55).

Per Claim 3:

The Goiffon patent discloses:

- further comprising building a business system management configuration database (column 10, lines 47-67).

Per Claim 4:

The Goiffon patent discloses:

- further comprising integrating the business process event management platform into a preexisting event management process (column 10, lines 62-67 to column 11, lines 1-4).

Per Claim 5:

The Goiffon patent discloses:

- further comprising integrating the platform at both the business and technology level through a defined input/output event management interface (column 10, lines 47-67 to column 11, lines 1-4).

Per Claim 6:

The Goiffon patent discloses:

- wherein the event management platform is developed across two or more separate business entities (column 5, lines 25-41).

Per Claims 7 (Amended) & 8-12:

These are computer program product versions of the claimed method discussed above (claims 1-6, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Goiffon.

Per Claims 13 (Amended) & 14-18:

These are system versions of the claimed method discussed above (claims 1-6, respectively), wherein all claim limitations also have been addressed and/or covered in

cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Goiffon.

Response to Arguments

10. Applicant's arguments filed on 5/3/04 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

- a) Applicants' amendments describe how problems relate to business processes. These problems are technical problems. The mapping is used to quantify business losses. These business losses due to particular technical failures are quantified.

...
Goiffon does not describe mapping information technology severity to business impact severity where the mapping describes how technical problems relate to business processes. *Goiffon* also does not describe using the mapping to quantify business losses due to particular technical failures.

Examiner's response:

- a) Examiner strongly disagrees with applicant's assertion that Goiffon fails to disclose the claimed limitations recited in claims 1, 7 and 13. Goiffon clearly shows each and every limitation in claims 1, 7 and 13. Goiffon teaches mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process; quantifying, using said mapping, business losses due to particular technical failures; and developing an

Art Unit: 2124

end-to-end business process event management platform (column 26, lines 4-8; column 27, lines 6-19; and column 30, lines 48-65; It is inherent that if the software constructs are malfunctioning, then the corresponding Asset Elements, which can be viewed in the Element Viewers 144, would malfunction, which would lead to business losses due to particular technical failures.). In addition, see the rejection above in paragraph 9 for rejection to claims 1-18.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

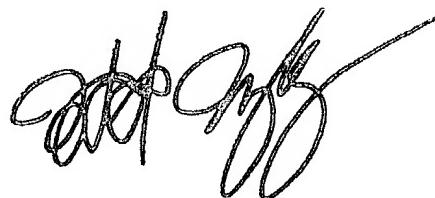
Art Unit: 2124

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
August 10, 2004



**TODD INBERG
PRIMARY EXAMINER**